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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/622,035

Applicant(s)

SAMBHUS ET AL.

Examiner

DENNIS MYINT

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 28, 29, 31-33, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 28, 29, 31-33, and 35-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/16/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on July 9, 2007.
2. Claims 1, 6, 28, 29, 31-33, and 35-36 are currently pending. In the amendment filed on July 9, 2007, claims 1, 29, and 33 were amended. Claims 1, 29, and 33 are independent claims. **This office action is made final.**

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required.

Claim 29 in line 1 recites "a computer usable medium". However, the specification fails to provide proper antecedent for said claim limitation "a computer usable medium".

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "a computer usable medium" as recited in claim 29 and its dependent claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 29, 31, and 32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

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As per claim 29, said claim is rejected under 35 U.S.C. 101 because the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. Particularly, claim 29 in line 1 recites " computer usable medium".

Since the specification of the claimed invention **fails to limit/define** "computer usable medium", "**computer usable medium**" as recited in claim 29 and its dependent claims are given the broadest, reasonable interpretation to include communications signals and waves, which are not statutory. As such, claim 29 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Claims 31-32 depend on claim 29 and is rejected under 35 U.S.C. 101 on the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

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the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1, 5, 29, 30, 33, and 34 are rejected 35 U.S.C. 103(a) as being unpatentable over Hesmer et al., (hereinafter "Hesmer", U.S. Patent Application Number 2004/0030795) in view of Ndili (U.S. Patent Application Publication Number 2005/0096019) and further in view of Leamon (hereinafter "Leamon", U.S. Patent Application Publication Number 2002/0107891).

As per claim 1, Hesmer is directed to a method for providing customizable client aware content aggregation and rendering in a portal server (Hesmer, Paragraph 000, i.e., *the present invention provides a method, system and program product for inserting targeted content into a portlet content stream. Specifically, the present invention provides a portal program that includes a container-managed portlet filter for inserting targeted web content into a portlet content stream based on a desired display mode of the portal user;* and Figure 3 of Hesmer) and teaches the limitations:

"receiving a request" (Hesmer, Paragraph 0030, i.e., *user 42 will communicate with computer system 20 to obtain/view web content from content*

*providers 44. Specifically, **user 42 can accesses a portal page** (as shown in FIG. 1) by interfacing with computer system 20 Figure 2 of Hesmer, i.e., USER 42; Particularly note the double-headed arrow which connects the USER and the COMPUTER SYSTEM 20; In addition, note paragraph 0032 of Hesmer which recites *If user 42 selects a particular link, he/she has deliberately entered view mode for the spawned web page. In such an event, it can be presumed that user 42 is focusing on the spawned web page and portlet filter 38 will insert the targeted content into the content stream 46. Once portlet filter 38 has inserted any targeted content, stream(s) 48 are outputted to aggregator 38, which will organize (i.e., aggregate) the stream(s) 48 into portal page 50 for display to user 42, “by the portal server”, (Hesmer, Figure 2, i.e., COMPUTER SYSTEM 20; Hesmer, Paragraph 0029, i.e., It should be understood that **computer system 20 is intended to be representative of any type of computerized system that can provide web content to user 42. Examples include a server, a client, a workstation, a laptop, a personal digital assistant, etc. To this extent, computer system 20 could be a system directly accessed by user 42 (e.g., home or office computer), or a web server operating in a location remote from user 42), “to provide a first channel of content and a second channel of content”** (Hesmer, Figure 2, i.e., COMPUTER SYSTEM 20; Hesmer, Paragraph 0029, i.e., It should be understood that **computer system 20 is intended to be representative of any type of computerized system that can provide web content to user 42;** Hesmer, Figure 2, i.e., CONTENT PROVIDERS 44 and Portlets 40 ; Hesmer, Figure 3, i.e., CONTENT PROVIDERS 44 and Portlets 40 ; Paragraph 0032, i.e.,**

*web content is obtained **from content providers 44 by program portlets 40.***

*Each program portlet 40 then outputs its respective web content as a separate portlet content stream 46 of markup, all of which are ultimately organized by aggregator 36 into portal page 50; Each portlet of portlets 40 of Hesmer represent a channel of content of the claimed invention. As such, **there more than one channels of content, out of which any two channels content (any two portlets) are "a first channel of content" and "a second channel of content");***

"obtaining a first markup of the first channel of content and a second markup of the second channel of content", "wherein the first markup is encoded in a generic markup language" (Hesmer, Hesmer, Figure 2, i.e., CONTENT PROVIDERS 44 and Portlets 40 ; Hesmer, Figure 3, i.e., CONTENT PROVIDERS 44 and Portlets 40; and Paragraph 0030, i.e., The content displayed in each visual portlet in the portal page is obtained from content providers 44 by the program portlets 40. The program portlets 40 will then each output a content stream of markup (e.g., HTML). The streams are ultimately organized by aggregator 36 into the appropriate visual portlets for display as the portal page); Note that HTML is a generic markup language);

"aggregating (markups) to create a front page and communicating the front page to an (the) access device" (Hesmer, Figure 2, i.e., AGGREG 36; Figure 3, i.e., AGGREGATOR 36; Hesmer, Paragraph 0030, i.e., The streams are ultimately organized by aggregator 36 into the appropriate visual portlets for display as the portal page); Hesmer, Figure 2, i.e., USER 42 and Figure 3

USER 42; Note that the USER accesses the web portal server (COMPUTER SYSTEM 20 OF FIGURE 2) using a device such as a personal computer;).

Hesmer does not explicitly teach the limitations: "the second markup is encoded in a device-specific markup language associated with an access device" and "forwarding the first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language, and wherein the rendering engine creates the third markup using a file path pointing to the device markup language".

On the other hand, Ndili teaches the limitations:

"the second markup is encoded in a device-specific markup language associated with an access device" (Ndili, Paragraph 0021, i.e., *In one specific implementation, the mobile device is WAP enabled and programmed in a **Handheld Device Markup Language (HDML)**. The WAP device is coupleable to the conversion engine to retrieve information from network sites that are otherwise programmed to communicate with mobile devices using Compact Hypertext Markup Language (CHTML).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Hesmer to add the feature of using a markup language which is device-specific, as taught by Ndili, so that, in the resultant method, the second markup would be encoded in a device-specific markup language associated with an access device. Note that in the method of Hesmer in view of Ndili, the end user (Figure 3, USER 42 of Hesmer) would be using the mobile device of Ndili which makes use of HDML.

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One would have been motivated to do so in order to "provide content to mobile devices using the language" which is used by the mobile devices (Ndili, Paragraph 0006).

Hesmer in view of Ndili does not explicitly teach the limitation: "forwarding the first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language".

On the other hand, Leamon teaches the limitation:

"forwarding the first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language"(Leamon, Figure 2A, i.e., *Rendering Engine 60*; Figure 4, i.e., *Rendering Engine 60* (in detail in a blown-up diagram); Paragraph 0025, i.e., *The client 40A originates a request 100 for information over the network. The request 100 is received at the rendering engine 60. The rendering engine 60 identifies in step 102, the device that originated the request by reading a code embedded in the request. The rendering engine 60 fetches in step 104, the content requested by the user message. The content is formatted in the standard language. The fetch may acquire the content from the proprietary application or from an independent content provider that also formats its information in the selected standard markup language format, shown here as XHTML. In some embodiments, the independent content provider maintains several forms of content applicable to different classes of devices. For example, the independent content provider may maintain and*

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*return content that is appropriate for small, medium or large devices (such as, for example, mobile and non-mobile phones, PDAs and personal computers, respectively), depending on the type of device that requested the content". Said disclosure of Leamon teaches more than one channel of content, that is, several channels of content. Said disclosures by Leamon teach a rendering engine, which produce a third markup language, which is device-specific. Even more, Paragraph 0026 of Leamon discloses producing a third mark-up language, which is device-specific, as **While the content is being acquired, in step 106, the transformer object for the client 40A that sent the information request is obtained. As shown in Figure 3, the transformer object is customized for the particular device and browser that will display the information to the user), "and wherein the rendering engine creates the third markup using a file path pointing to the device markup language"** (Leamon, Figure 3, i.e., "Language Transformation" 70, "Browser Specific Overrides" 80, and "Device Specific Overrides" 90; Particularly note the paths (i.e., **connected lines**) from Language Transformations 70 such as HD*L, WML, cHTML, HTML 3.2, Mail and VoiceML to Browser Specific Overrides 80 to Device Specific Overrides); Also see paragraphs 22-24 of Leamon, i.e., [0022] Referring to FIG. 3, an example illustrating the structure of the information transformation process of the rendering engine 60 is shown. The transformation process is based on an object-oriented hierarchy of information format languages, browser types and versions, and device types. The hierarchy comprises, first, a set of transform language objects 70, such as **hand-held device markup language (HDML)**, wireless*

markup language (WML), hypertext markup language (HTML), compact HTML (cHTML), voice HTML and so on, as shown. The hierarchy further comprises browser-specific overrides 80 **"mapped" to the transform languages** that the browsers are designed to accept. In FIG. 3, the browsers are characterized as B1, B2, . . . B10, representing various browsers, including voice browsers, that may be installed in, for example, wireless phones, personal computers, and personal data assistants in the market. FIG. 3 also shows browser type B1 in several versions, which is a common reality. Finally, a set of device-specific overrides 90 complete the transformation object hierarchy. In FIG. 3, the devices illustrated are wireless phones (Phone1, Phone2, . . . Phone6), personal data assistants such as pocket computers (PDA's), PCS devices and so on, as shown. The transformation objects 70, browsers, and devices described and illustrated are exemplary; the invention is equally applicable to other types of transformation objects, browsers and devices; [0023] This transformation hierarchy takes advantage of the inheritance feature of object-oriented design; namely, each layer in the hierarchy inherits functionality from a component in a layer beneath it. Thus, a transform from the standard language into one of the display languages can be customized easily by applying an override function for the specific browser and device through which the formatted information will be displayed to the user. By way of example, assume a device has requested information from the proprietary portal application 50 (FIG. 2A) on the Internet. The rendering engine identifies the device type and browser that generated the request from codes embedded, such as header fields, in the request. Once the

information is retrieved from the proprietary application in the standard format language (e.g., XHTML basic), the information encounters the transform process in rendering engine 60. At this point, the standard format will be transformed into the format required to cause the information to be displayed correctly on the client 40A; [0024] In a specific example, the **rendering engine 60 "looks up" the device type and determines that the device is Phone 4, operates using a WML communication format, and that the device's browser is B1 ver. 4.1 in the object hierarchy. The WML transform object is selected to operate on the standard language formatted information. The WML object is modified with overrides from the B1 ver. 4.1 and Phone 4 overrides in the object hierarchy. The transform is then accomplished, creating a WML output format adapted for Phone 4 using browser B1 ver. 4.1 for display. The information display format is then completely compatible with the display device and browser).** Note that the rendering engine 60 "looks up" the "mapped" information in order obtain the device-specific markup, which is the third markup language.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method of Hesmer in view Ndili to add the feature of forwarding a first mark up to a rendering engine to obtain a third markup of the first channel of content, wherein the third markup is encoded in the device-specific markup language, as taught by Leamon, so that the resultant would forward the first mark up to a rendering engine to obtain a third markup of the first channel of content using a file path pointing to the device-specific markup language, wherein the third markup is encoded in the device-

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specific markup language, aggregate the second markup language and the third mark up to create a front page (Hesmer, Figure 2, i.e., *AGGREG 36*; Figure 3, i.e., *AGGREGATOR 36*) and communicate the front page to the access device (Paragraph 0030, i.e., *The streams are ultimately organized by **aggregator 36** into the appropriate visual portlets for display as the portal page*; Note that in the method of Hesmer in view of Ndili, the end user (Figure 3, USER 42 of Hesmer) would be using the mobile device of Ndili which makes use of HDML).

Referring to claim 5, Hesmer in view of Ndili and further in view of Leamon teaches the limitation:

“the rendering engine creates the third markup language using a file path pointing to the device-specific markup language” (Leamon, Paragraph 0020 and Figure 2A *Rendering Engine 60*; *The rendering engine 60 operates on the pre-formatted information by passing it through a format transformation process designed to reformat the information into a display format compatible with the particular client 40A that requested the information*).

Claim 29 is essentially the same as claim 1 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 30 is essentially the same as claim 5 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 33 is essentially the same as claim 1 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

Claim 34 is essentially the same as claim 5 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

10. Claims 6, 31, and 35 are rejected 35 U.S.C. 103(a) as being unpatentable over Hesmer in view of Ndili and further in view of Leamon and further in view of Barker et al. (hereinafter "Barker") (U.S. Patent Number 6781609).

As per claim 6, Hesmer in view of Ndili and further in view of Leamon does not explicitly teach the limitation: "wherein the generic markup language is abstract markup language".

Barker teaches the limitation:

"wherein the generic markup language is abstract markup language"
(Column 4 Lines 40-44, i.e., *an abstract UI markup language*).

At the time the invention made, it would have been obvious to a person of ordinary skill in the art to add the feature of using an abstract markup language to

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the method of Hesmer in view of Ndili and further in view of Leamon so that the resultant method would comprise an abstract markup language. One would have been motivated to do so because abstract languages are generic languages and could be extended into particular languages, which is well known in the art.

Claim 31 is essentially the same as claim 6 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 35 is essentially the same as claim 6 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

11. Claims 28, 32, and 36 are rejected 35 U.S.C. 103(a) as being unpatentable over Hesmer in view of Ndili and further in view of Leamon and further in view of Nielsen (U.S. Patent Application Publication Number 2004/0205567).

As per claim 28, Hesmer in view of Ndili and further in view of Leamon does not explicitly teach the limitation: "wherein the third markup language is dynamically rendered at runtime when access device is in use".

Nielsen teaches the limitation:

"wherein the third markup language is dynamically rendered at runtime when access device is in use" (Abstract: *A method for dynamically modifying a mark-up language document (e.g. an XML test suite file) during runtime with data unavailable when the mark-up language document is created*).

At the time the invention was made, it would have been obvious to add the feature of dynamically rendering a markup language at runtime, as taught by Nielsen, to the method of Hesmer in view of Ndili and further in view of Leamon so that the resultant method would dynamically render the third markup language at runtime. One would have been motivated to do so because dynamically rendering a language at runtime provides efficient execution of computer codes by reducing the compiling time, which is well known in the art. (for example, Java run-time compiler and JIT in C Sharp).

Claim 32 is essentially the same as claim 28 except that it set forth the claimed invention as a computer usable medium rather than a method and rejected for the same reasons as applied hereinabove.

Claim 36 is essentially the same as claim 28 except that it set forth the claimed invention as a computer system rather than a method and rejected for the same reasons as applied hereinabove.

Response to Arguments

12. Applicant's arguments filed on July 9, 2007, have been fully considered but are not persuasive.

In response to the objection to the specification in the prior office action, Applicant argued that "the specification as filed states, *"A procedure, computer executed step, logic block, process, etc., are here, and generally, conceived to be self-consistent sequences of steps or instructions leading to a desired result."* Further, claims 21-27 were directed to a *"machine readable medium having embodied thereon a computer program for processing by a machine"* Although claims 21-27 are no longer pending, claims 21-27 nonetheless contribute to the subject matter of the specification as filed. In view of the above, one of ordinary skill in the art would appreciate that the terms *"machine readable medium"* and *"computer usable medium"* are essentially interchangeable and refer a computer-readable storage medium such as a compact disc, flash drive, or hard disk. The *"steps or instructions"* described in the specification would necessarily be stored on such a medium" (Applicant's argument, page 6 third and last paragraphs).

In response, it is pointed out that the specification and drawing(s) of the claimed invention fails to limit/define **"computer usable medium"** as recited in claim 29 and its dependent claims are given the broadest, reasonable interpretation to include communications signals and waves, which are not statutory.

Referring to the rejections made under 35 U.S.C. 103 (a), Applicant argued that *"the amended independent claims 1, 29, and 33 require that the rendering engines creates the third markup using the location of the device markup language in a directory system"* (Applicant's argument, page 8 third paragraph) and that *"wherein the rendering engine creates the third markup using a file path pointing to the device-specific markup language"* (Applicant's argument, page 10 second paragraph).

Examiner respectfully disagrees all of the allegations as argued. Examiner, in his previous office action, gave detail explanation of claimed limitation and pointed out exact locations in the cited prior art. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-1] Interpretation of Claims-Broadest Reasonable Interpretation.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

In response it is pointed Leamon teaches creating the third markup (i.e., device-specific markup) by "looking up" the mapped information in order obtain the device-specific markup, which is the third markup language. See Leamon, Figure 3, i.e., *"Language Transformation"* 70, *"Browser Specific Overrides"* 80,

and "Device Specific Overrides" 90; Particularly note the paths (i.e., **connected lines**) from *Language Transformations* 70 such as HD*L, WML, cHTML, HTML 3.2, Mail and VoiceML to *Browser Specific Overrides* 80 to *Device Specific Overrides*). Also note paragraphs 22-24 of Leamon, i.e., [0022] Referring to FIG. 3, an example illustrating the structure of the information transformation process of the rendering engine 60 is shown. The transformation process is based on an object-oriented hierarchy of information format languages, browser types and versions, and device types. The hierarchy comprises, first, a set of transform language objects 70, such as **hand-held device markup language (HDML)**, wireless markup language (WML), hypertext markup language (HTML), compact HTML (cHTML), voice HTML and so on, as shown. The hierarchy further comprises browser-specific overrides 80 **"mapped" to the transform languages** that the browsers are designed to accept. In FIG. 3, the browsers are characterized as B1, B2, . . . B10, representing various browsers, including voice browsers, that may be installed in, for example, wireless phones, personal computers, and personal data assistants in the market. FIG. 3 also shows browser type B1 in several versions, which is a common reality. Finally, a set of device-specific overrides 90 complete the transformation object hierarchy. In FIG. 3, the devices illustrated are wireless phones (Phone1, Phone2, . . . Phone6), personal data assistants such as pocket computers (PDA's), PCS devices and so on, as shown. The transformation objects 70, browsers, and devices described and illustrated are exemplary; the invention is equally applicable to other types of transformation objects, browsers and devices; [0023] This transformation

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*hierarchy takes advantage of the inheritance feature of object-oriented design; namely, each layer in the hierarchy inherits functionality from a component in a layer beneath it. Thus, a transform from the standard language into one of the display languages can be customized easily by applying an override function for the specific browser and device through which the formatted information will be displayed to the user. By way of example, assume a device has requested information from the proprietary portal application 50 (FIG. 2A) on the Internet. The rendering engine identifies the device type and browser that generated the request from codes embedded, such as header fields, in the request. Once the information is retrieved from the proprietary application in the standard format language (e.g., XHTML basic), the information encounters the transform process in rendering engine 60. At this point, the standard format will be transformed into the format required to cause the information to be displayed correctly on the client 40A; [0024] In a specific example, the **rendering engine 60 "looks up" the device type and determines that the device is Phone 4, operates using a WML communication format, and that the device's browser is B1 ver. 4.1 in the object hierarchy. The WML transform object is selected to operate on the standard language formatted information. The WML object is modified with overrides from the B1 ver. 4.1 and Phone 4 overrides in the object hierarchy. The transform is then accomplished, creating a WML output format adapted for Phone 4 using browser B1 ver. 4.1 for display. The information display format is then completely compatible with the display device and browser).** In these paragraphs of Leamon, it is clear that the rendering engine 60 "looks up" the*

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"mapped" information in order obtain the device-specific markup, which is the third markup language.

Regarding Applicant's contention that *"Applicants submit that the use of a file path is not inherently required by the use of a markup language. For example, a markup language may be stored in a database or dynamically constructed in memory (for example, using an XML API and/or segments of other markups stored in memory) without specifically using a "file path pointing to the device-specific markup language"* (Applicant's argument, page 9 second paragraph), it is pointed out that a data item (either a single bit or a file) is always accessed by way a file path/data path. In the case of a file stored on a storage medium, a file path is employed and in the case of a file or data item dynamically stored in memory (such as a CPU cache or RAM), a CPU always uses pointers/offsets in its registers to locate said file or data item, in which case pointers/offsets used by the CPU are equivalent to file path(s). As such, Applicant's argument is moot.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Office Action. For the above reasons, Examiner believed that rejection of the last Office Action and current Office Action are proper.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/dennis myint/

Dennis Myint
Examiner, AU-2162/John Breene/
Supervisory Patent Examiner, Art Unit 2162